

REMARKS

By this amendment, the specification has been amended to reflect the serial numbers and patent number of related cases. Applicants have made a sincere attempt to incorporate all of the limitations of the base claims and intervening claims as will be pointed out below.

The Office Action Summary indicates, "The drawing(s) filed on 26 March 2002 are accepted by the Examiner." Applicants mailed a Response to Notice to File Corrected Application Papers and a Letter to the Official Draftsperson enclosing 6 sheets of formal drawings depicting FIGS. 1-6B with the United States Patent and Trademark Office on April 1, 2002 as evidenced by the attached postcard.

Claims 3, 4, 10, 12, and 13 have been deleted and new claims 21-27 have been added as will be discussed below.

Amended claim 1 now includes the subject matter of canceled claims 3 and 4 and should be allowable. New claim 21 includes the subject matter of claims 1 and 6-8. Claim 9 has been amended to include the subject matter of claim 10. New claim 22 includes the subject matter of claims 13-15. The claims which depend upon these independent claims should now also be allowable.

Applicants have provided new independent claims 24 and 26, which will be discussed with respect to the references cited by the Examiner. These claims are believed to define unobvious subject matter.

Claim 24 provides a plurality of digital image files and displays these digital images for viewing by a user. A camera captures user images as the user views the displayed digital images. The captured user images are analyzed to determine affective information for each of the digital images related to the facial expression of the user. The affective information is stored in the corresponding digital image files.

Claims 1-3, 5, 9, 11, 12, 16, 18 and 19 were rejected under 35 USC § 102(b) as being anticipated by Shinohara et al. (US 5,619,619).

Shinohara et al. displays images, for example, from a recovery boiler system used in a paper-pulp plant (see column 18, lines 52 to column 19,

line 10). In column 23, line 55 to column 24, line 12, a TV camera acquires images of an operator as the operator views the images displayed on a monitor. A computer analyzes the image from the video camera to recognize the feeling of the operator. However, Shinohara et al. do not disclose or suggest storing any type of data related to the feeling of the operator together with the image that was displayed on the monitor. Rather, the feeling of the operator determines the next displayed instruction in Shinohara et al. Therefore, Shinohara et al. do not disclose or suggest the subject matter of new claim 24, since there is no storage of affective information in a corresponding digital image file. By storing this information, the digital image files can subsequently be used to retrieve desired images. No such arrangement is possible in Shinohara et al. Therefore, Shinohara et al. do not even recognize the problem solved by the present invention.

Claims 1-3, 5, 9, 11, 12, 16 and 18-20 were rejected under 35 USC § 102(e) as being anticipated by Colmenarez et al. (US Publication 2003/0108241).

Claim 17 is rejected under 35 USC § 103(a) as being unpatentable over Shinohara et al. or Colmenarez et al. as applied to claim 16 above.

Colmenarez et al. disclose a system which captures, using a camera, the facial expression of a user. This facial expression is then analyzed to determine the user's mood. A set of previously stored photos appropriate to the user's mood are then presented to the user in the form of an electronic photo album. The differences between this disclose and the present invention are significant. The user's reaction to particular digital images are not captured. Rather, the user's mood prior to viewing images is determined and the user's mood is then used to select appropriate images that were previously stored. Therefore, Colmenarez et al. do not disclose or suggest the subject matter of new claim 24. Moreover, there is no storage of affective information in a corresponding digital image file. By storing this information, the digital image files can subsequently be used to retrieve desired images. No such arrangement is possible in Colmenarez et al.. Therefore, Colmenarez et al. do not even recognize the problem solved by the present invention.

New claim 26 is similar to new claim 24 but requires that a particular personal affective tag be provided which is linked to a specific one of the digital image files. Claim 26 requires storing the affective information in the personal affective tags linked to each corresponding digital image file. It is believed that the same arguments set forth above with respect to Shinohara et al. and Colmenarez et al. are applicable here and need not be repeated.

Claims 25 and 27 respectively depend upon new claims 24 and 26 and include the smile size feature previously allowed by the Examiner.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.